

## Exhibit C

Cole S. Cannon (Utah Bar No. 12053)  
cole@cannonlawgroup.com  
Janet M. Conway (Utah Bar No. 7488)  
janet@cannonlawgroup.com  
CANNON LAW GROUP  
53 South 600 East  
Salt Lake City, Utah 84102  
Telephone: (801) 363-2999

*Attorneys for Defendants*

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UTAH PHYSICIANS FOR A HEALTHY ENVIRONMENT, INC.,  Plaintiff,  v.  DIESELPower GEAR, LLC, et al.,  Defendants.	<b>Defendants' Responses to Plaintiff's Interrogatory Requests, 2nd Set</b>  Case No.: 2:17-CV-00032  Judge Robert J. Shelby
--	--

Pursuant to Rules 33 of the Federal Rules of Civil Procedure, Defendants, DIESEL POWER GEAR, LLC, 4X4 ANYTHING, LLC, SPARKS MOTORS, LLC, DAVID W. SPARKS, DAVID KILEY, JOSHUA STUART, and KEATON HOSKINS, (collectively "Defendants") submit the following responses to Plaintiff's 2nd Set of Interrogatories.

RESPONSES

Interrogatory Number 7: Please identify each EPA-certified motor vehicle that has come into your possession within the applicable period in which one or more pollution control devices or systems originally installed in each identified vehicle had been removed or rendered inoperative prior to your possession.

Response: Defendants do not maintain those type of records, and David Sparks has provided deposition testimony regarding all vehicles that he has a specific recollection about. Moreover, all potentially responsive documents have already been produced.

Interrogatory Number 8: Please identify each EPA-certified motor vehicle that has come into your possession within the applicable period in which one or more subject parts had been installed in each identified vehicle prior to your possession.

Response: Defendants do not maintain those type of records, and David Sparks has provided deposition testimony regarding all vehicles that he has a specific recollection about. Moreover, all potentially responsive documents have already been produced.

Interrogatory Number 9: Please identify each EPA-certified motor vehicle that has come into your possession within the applicable period in which you installed one or more subject parts, including modification, replacement or repair of any existing parts.

Response: Defendants do not maintain those type of records, and David Sparks has provided deposition testimony regarding all vehicles that he has a specific recollection about. Moreover, all potentially responsive documents have already been produced.

Interrogatory Number 10: With respect to each EPA-certified motor vehicle identified in response to Interrogatory #7 above, please set forth the date you obtained possession of each applicable vehicle, the name and address of the entity that transferred title and/or possession, and each pollution control device and/or system that was not present or was inoperable in each vehicle as of that date.

Response: Defendants do not maintain those type of records, and David Sparks has provided deposition testimony regarding all vehicles that he has a specific recollection about. Moreover, all potentially responsive documents have already been produced.

Interrogatory Number 11: With respect to each EPA-certified motor vehicle identified in response to Interrogatory #8 above, please set forth the date you obtained possession of each applicable vehicle, and each subject part that was in each vehicle on that date.

Response: Defendants do not maintain those type of records, and David Sparks has provided deposition testimony regarding all vehicles that he has a specific recollection about. Moreover, all potentially responsive documents have already been produced.

Interrogatory Number 12: With respect to each EPA-certified motor vehicle identified in response to Interrogatory #9 above, please describe the subject part(s) you installed, and the date or dates of installation.

Response: Defendants do not maintain those type of records, and David Sparks has provided deposition testimony regarding all vehicles that he has a specific recollection about. Moreover, all potentially responsive documents have already been produced.

Interrogatory Number 13: Please describe each EPA-certified motor vehicle identified in response to Interrogatories #7, #8 and #9 that you have offered for sale, and the date and sale price.

Response: Defendants do not maintain those type of records, and David Sparks has provided deposition testimony regarding all vehicles that he has a specific recollection about. Moreover, all potentially responsive documents have already been produced.

Interrogatory Number 14: Please describe each EPA-certified motor vehicle identified in response to Interrogatories #7, #8 and #9 that you conveyed to another entity (including but not limited to a purchaser, sweepstakes winner or another defendant), the name and address of the receiving party, and the date of and consideration for such conveyance.

Response: Defendants do not maintain those type of records, and David Sparks has provided deposition testimony regarding all vehicles that he has a specific recollection about. Moreover, all potentially responsive documents have already been produced.

Interrogatory Number 15: With respect to each EPA-certified motor vehicle identified in response to Interrogatory #7 above, please set forth each pollution control device and/or system that you installed in any identified vehicle to replace the vehicle's missing or inoperative device or system, which replacement pollution control device and/or system was of the same design, function and efficacy as the original device or system in the certified vehicle.

Response: Defendants do not maintain those type of records, and David Sparks has provided deposition testimony regarding all vehicles that he has a specific recollection about. Moreover, all potentially responsive documents have already been produced.

Interrogatory Number 16: Please describe the bases you have, if any, for each part illustrated in attached Complaint Exhibit 1 (EGR delete kits), Complaint Exhibit J (exhaust systems), and Attachment 1 (tuners), Attachment 2 (injectors), Attachment 3 (turbochargers), Attachment 4 (exhaust stacks) and Attachment 5 (fuel pumps), that such part, in each available configuration (such as a tuner with multiple performance settings), will not adversely affect emissions performance of the EPA-certified motor vehicle or vehicles in which the part is designed to be installed. In particular, please describe the results of any emissions testing you, the part manufacturer or any other entity have performed consistent with the federal test procedure in 40 C.F.R. Part 85, that show the part will not cause EPA- certified motor vehicles in which the part is intended to be used to fail their applicable emission standards, and any express determination by any federal, state or local air pollution control

agency, including but not limited to any California Air Resources Board Executive Order, that the part will not cause EPA-certified motor vehicles in which the part is intended to be used to fail their applicable emission standards.

Response: This response requests an expert opinion. The time for expert discovery has not closed yet. Defendants will supplement when expert testimony becomes available. Defendants have not personally performed any emission testing.

Interrogatory Number 17: Unless described in response to Interrogatory No. 16 above for the same part, please describe the bases you have, if any, for each aftermarket EGR delete kit, each aftermarket exhaust system (that is designed to remove or render inoperative a pollution control device or system), each aftermarket tuner, each aftermarket injector set, each aftermarket turbocharger, and each aftermarket fuel delivery system identified in the spreadsheets within Bates numbers 1-12 and 762-1091 that were sold by you, that such part, in each available configuration (such as a tuner with multiple performance settings), will not adversely affect emissions performance of the EPA-certified motor vehicle or vehicles in which the part is designed to be installed. In particular, please describe the results of any emissions testing you, the part manufacturer or any other entity have performed consistent with the federal test procedure in 40 C.F.R. Part 85, that show the part will not cause EPA-certified motor vehicles in which the part is intended to be used to fail their applicable emission standards, and any express determination by any federal, state or local air pollution control agency, including but not limited to any California Air Resources Board Executive Order, that the part will not cause EPA-certified motor vehicles in which the part is intended to be used to fail their applicable emission standards.

Response: This response requests an expert opinion. The time for expert discovery has not closed yet. Defendants will supplement when expert testimony becomes available. Defendants have not personally performed any emission testing.

Dated this 23<sup>rd</sup> day of October, 2017.

By: Janet M. Conway  
*Attorney for Defendants*